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Zoning Controls for
Neighborhood Commercial Districts

Comprehensive Planning Department
Berkeley, California
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I. INTRODUCTION

Berkeley has many neighborhood shopping districts. These are typically long established, limited in geographic area, without public off-street parking, and located in close proximity to residences. Historically, these districts have served the convenience shopping and service needs of area residents through the operation of such businesses as drugstores, grocery stores, and beauty shops.

In recent years the types of businesses drawn to these shopping districts have changed. Specialty shops and restaurants which draw customers from throughout the city and beyond are frequently locating in neighborhood shopping districts serving upper income neighborhoods. The types of goods and services available to area residents have shifted away from items or services required frequently to those sought only occasionally. These changes are perceived as having two consequences: (1) local convenience shopping needs are not fully met and (2) on-street parking demand for curbside space on nearby residential streets is greater, as is traffic on these streets. Increases in parking demand and local traffic are attributed to businesses which draw customers from throughout Berkeley and beyond.

In response to these concerns, new zoning regulations to guide the future character and development of neighborhood shopping areas are needed. The purpose of this report is to analyze the issues and alternatives and to offer recommendations on an appropriate new zoning district. This report will be made available to interested citizens, community organizations, business groups and the Planning Commission. Utilizing the findings and conclusions of this report and responses from the community, the Planning Commission will recommend to the City Council Restricted Neighborhood Commercial Regulations to be incorporated in the Zoning Ordinance and applied in appropriate locations in the city.

Background

In April 1975, the Bateman Neighborhood Association, Claremont-Elmwood Neighborhood Association, Elmwood Merchants' Association and Willard Park Neighborhood Association authored a Joint Resolution containing "recommendations for the development of a new master plan covering transportation and land use policies in the Elmwood area." Among other proposals, the Resolution recommended a new ordinance for the Elmwood commercial area that would "(1) lower height limits; (2) discourage the establishment of regional as opposed to neighborhood businesses; and (3) reduce duplication of goods and services within the neighborhood area." On the recommendation of the Planning Commission a four-month moratorium on building permits in the Elmwood shopping area was enacted by the City Council in February of 1975. This moratorium was replaced with an interim resolution which stated that, "A Use Permit and Public Hearing by the Board of Adjustments should be required for all changes in commercial occupancy, expansion of the floor area of existing commercial establishments, and proposed new uses and new buildings in the Elmwood commercial area." The purpose of the resolution was to closely regulate land use changes in the Elmwood area until new zoning regulations could be devised and implemented. The most recent City Council action extended this resolution until November 30, 1977.

Several suggested ordinances, including two by the merchants, have been submitted to the Comprehensive Planning Department. Other neighborhood organizations have also expressed interest in more restrictive zoning for commercial centers adjacent to residential areas. Issues relevant to a restricted neighborhood commercial zoning district have been investigated. Amendments to the current Limited Commercial district (C-1) have been enacted to control operations after 10 p.m. and before 7 a.m. and to insure that new construction adjacent to residential properties meets standards to insure compatibility.

The Planning Commission's report to the City Council, "Recommendations for Zoning Revision," proposes that work undertaken to revise zoning regulations give priority to restructuring the commercial zones. A restricted neighborhood commercial district which "limits the scale and types of activities permitted in commercial locations where sensitive relationships with adjacent residential areas exists" is recommended. Criteria for evaluating commercial Use Permit applications would include: a) will not increase traffic or parking to adversely affect adjoining residential areas or transit service and b) is consistent with the purposes of the district. In June, the City Council approved a recommended program for the development of a restricted commercial zoning district. That program calls for the Comprehensive Planning Department and Planning Commission to submit a recommended new zoning district in October of 1977.

Master Plan Policies

The Master Plan recently adopted by the City Council identifies four distinct types of commercial areas: the Central District, Commercial Service Districts, Community Commercial District and Neighborhood Commercial Districts. The latter two are relevant to the zoning district being considered. Community Commercial Districts are "intermediate sized commercial centers which provide a wide variety of shopping goods and services to residents" and Neighborhood Commercial Districts are "small-sized commercial centers which provide for day-to-day needs of adjacent residents". Other policies of the Master Plan relevant to neighborhood and community shopping areas include:

- "Encourage commercial activities serving a regional market to locate in the Central District or a commercial service district, and discourage them in neighborhood and community commercial districts."

- "Protect residential streets from traffic and parking generated by adjacent commercial uses."
- "Control the design and operation of commercial establishments to insure their compatibility with adjacent residential areas."

The Master Plan identified seven "community" commercial districts - Elmwood, Adeline/Alcatraz, Sather Gate, Sacramento/University, University/San Pablo, North Shattuck and Solano. Seven "neighborhood" commercial districts are identified - Domingo/Claremont, College/Alcatraz, Sacramento/Ashby, Sacramento/Dwight, Northgate (Euclid Avenue), Monterey/Hopkins, and Westbrae (Gilman). Other small, isolated commercial areas exist at Dwight/Grove, Rose/Grove, Claremont/Prince and El Dorado/Del Norte.

C-1-E District Proposal

In November 1975 the Elmwood Merchants Association prepared proposed zoning district regulations to replace the existing Limited Commercial zoning district in the Elmwood business area. The stated purpose of the amendment was to "preserve the Elmwood Shopping District as an attractive pedestrian-oriented neighborhood shopping area serving the everyday needs of adjacent residential neighborhoods." The relevant provisions of the proposed zoning regulations are summarized below:

1. Within limitations and subject to obtaining a Use Permit, retail, office and service uses of property would be allowed.
2. No establishment could have more than 3,000 square feet or take up more than 30 feet of College Avenue frontage.
3. No establishment could operate before 7 a.m. or after 10 p.m. without obtaining a Use Permit.
4. No building could be more than 28 feet or two stories in height.
5. Parking lots or structures within limitations would be permitted with a Use Permit.

6. A notice of any proposed business would be posted. If a petition containing 50 or more signatures was received within 15 days, a public hearing before the Board of Adjustments would be mandatory before a Use Permit could be issued.
7. Any proposed building or use will serve the everyday needs of the adjacent neighborhoods and will not increase vehicular traffic or parking congestion in the district or in the adjacent neighborhoods.

The purpose of the district, "to preserve an attractive pedestrian-oriented neighborhood shopping area serving the everyday needs of adjacent residential neighborhoods," is consistent with the newly adopted Master Plan and comments that have been received from neighborhood groups. Restrictions on the size of establishments and buildings are also generally consistent with these policies. Major problems exist with other aspects of the ordinance, however.

There is no definition of what retail, office and service uses will be permitted. The only guideline is that the use "serve the everyday needs of the adjacent neighborhoods and not increase vehicular traffic or parking congestion." The present C-1 District permits "retail, office and service uses" designed primarily to serve the everyday needs of adjacent residential neighborhoods and retail and office uses that are compatible with such uses. This broad definition has proved difficult for city officials to interpret. No generally accepted concept of what constitutes uses to serve the everyday needs of the adjacent neighborhoods exists. Interpretation could be inconsistent, overly restrictive (keeping out desired uses) or overly permissive (letting in detrimental uses).

The proposed review process is designed to prevent overly permissive interpretations. Similar protection could be obtained by more explicitly defining

what will or will not be allowed. The practical effect of the review by petition process is to create uncertainty for a business wanting to locate in an area. Because the criteria to be applied are so broad, the applicant is in a position similar to the present position under the Elmwood Resolution.

II. ISSUES

1. Markets Served by Neighborhood Commercial Areas

Neighborhood commercial areas are those principally serving the surrounding area. The surrounding area traditionally has been defined as persons living within one-half mile walking distance. In fact, development patterns make this an incomplete picture.

In Berkeley, large areas in the hills have developed with no commercial services. The Elmwood, Vine-Shattuck, Kensington and Solano area commercial centers are the most convenient shopping available to persons one to two miles away in northeast Berkeley and those Berkeley and Oakland households north of Tunnel Road. In 1970, for example, 20,000 persons lived east of Grove and north of Cedar. This pattern of development causes these shopping areas to serve many residents who use cars to shop there.

Another market is persons who work or go to school in the area. The greatest impact of this type is around the campus where commercial areas serve the daytime market almost to exclusion of the local resident market. Similar effects occur from the location of Alta Bates Hospital and other medical uses within one-half mile of the Elmwood shopping area. In the Vine Shattuck area, the Berkeley Unified School District employs approximately 75 employees. In addition, commercial areas provide significant employment and these employees will buy goods and services in the area. This market affects the type of uses; employees will patronize restaurants, drugstores, banks, and convenience food stores. Because these persons are in the area for other reasons, they do not contribute to traffic problems by their shopping.

Customers from throughout the community and beyond are another group that now patronize some uses in neighborhood shopping areas. While almost all uses draw some of their business from local residents, many could not survive without reaching this broader market. The intimate scale, attractive development and

still moderate rents draw specialty shops, restaurants, personal services and financial services to these commercial centers. This is the only segment of the market that comes because of the activities rather than the convenience of the location.

2. Current Marketing Practices

The changing use patterns in neighborhood shopping areas is a reflection of current marketing practices. Since World War II, the expansion of private automobile ownership and usage has resulted in drastically changed marketing methods.

Large auto-oriented stores can now offer standardized products -- food, health needs, hardware, appliances, etc. -- at lower prices than a small store can. Residents with the time and transportation will utilize these supermarkets, discount department stores and large variety-drug stores to meet the bulk of their everyday retail needs.

In neighborhood commercial areas, smaller retail stores cannot compete in price with large outlets. They can compete in terms of personal service, unique products, convenient location and an attractive physical environment. The changes in neighborhood commercial retail activities reflect this change in marketing practices. Conventional grocery stores, hardware stores and variety stores are declining as shoppers use large-scale outlets. They are being replaced with specialized stores offering unusual food, apparel or other products. These specialty stores, however, must draw their customers from a large area if they are to succeed. Other uses that succeed are those which offer convenience. Seven-Eleven stores have become the symbol of this convenience. In addition to being close, they are often open late at night and on holidays.

Restaurants and delicatessens also do well. Some draw their business from patrons, shoppers and employees of the area. Others offer an intimate scale and unique menus which attract patrons who would not come to the area for other

reasons. Standardized (e.g., Denny's) restaurants and fast food outlets (e.g., McDonalds) have not located in these areas because of the lack of large sites.

Many services do not need large size. Banks, repair shops, real estate offices, barber shops, travel agencies, financial services and the like benefit from the proximity to retail uses and the residents in the area. Normally, these services draw most of the business from those residents for whom the commercial area is handy. Occasionally, specialized services (those which are unusual in either quality or character) will locate in neighborhood commercial areas and draw their business from a wide area. Even these specialized services will locate so that some of their business comes from nearby residents.

Changes in marketing practices are definitely affecting the character and pattern of uses in neighborhood shopping area. Realistically, the spending for everyday needs at large stores can be expected to continue. Where large stores are located at the edge of the more intimate shopping area, they will contribute to the success of the entire area by drawing a steady stream of customers from the surrounding neighborhoods to the area. Small retail businesses, however, can succeed when the advantages of convenient location, personal service, attractive environment or special product line induce shoppers to pay the higher prices these businesses are forced to charge.

3. Review Procedures

As neighborhoods have become concerned about the commercial activities in neighborhood centers, they have asked for increased opportunities to express their opinions before a new business opens up. The current Elmwood Resolution embodies this concept by requiring a public hearing on new or expanded businesses in the area. This total review process is one end of the discretionary review spectrum. The opposite end is automatic administrative approval of proposed uses that conform to the standards set forth in the Zoning Ordinance.

Outside the Elmwood area, the City at present operates from a middle position. Some uses are assumed to be appropriate and are permitted without a Use Permit; other uses are assumed to be incompatible and are prohibited. Those uses which are presumed to be compatible but which may, depending upon the specifics of their operation, be detrimental to the surrounding area are required to obtain a Use Permit. Some Use Permits can be issued by the Zoning Officer if it is determined the use will not be detrimental; others require public notification and hearing before the Board of Adjustments. The decisions of the Board of Adjustments may be appealed to the City Council by the applicant or other interested party.

The major advantage of neighborhood review is that each use can be evaluated by those most interested and knowledgable about the area in terms of its potential impacts and individual neighborhood values. Every location within the City is to some extent unique in its physical, social and economic environment. General application of this policy, however, raises several issues.

The first is the administrative cost. The \$85 fee for a Use Permit to be submitted to the Board of Adjustments does not begin to cover the costs of staff evaluation, notification, holding of the Board hearings, processing any appeal and insuring that conditions are adhered to. The benefits to the community must be weighed against the costs involved.

A related consideration is the demands upon community organizations and residents. To review and evaluate numerous proposals is a difficult and time consuming task.

To attempt to review all projects may result in inadequate attention to those which have the potential for the greatest neighborhood impact. Another result can be superficial and arbitrary responses. When this occurs, the credibility of neighborhood response may be compromised.

Finally, the Zoning Ordinance should provide an individual with a reliable guide to what will or will not be permitted in a particular location. To plan

a business operation, obtain needed financing, negotiate for a site and meet all city and other public regulations is an imposing task. To add to this process a review procedure where the outcome is not reasonably predictable may deter away desirable businesses. Particularly for small, new businesses, these hurdles may cause the relocation or abandonment of plans. The well-financed franchise operations are most capable of running the gauntlet of application, hearing, and possible appeal.

4. Use and Development Standards

The purposes of the restricted neighborhood commercial zoning district are agreed upon in general terms. These areas will primarily serve the retail shopping needs of residents of surrounding neighborhoods. The amenity of residential uses adjacent will be protected. Such commercial areas will be characterized by a modest scale and pedestrian orientation. Development standards in the ordinance are designed to further these purposes.

Some standards have received broad support and appear feasible and potentially effective to implement the aims of the district. These include:

- a. A reduced scale -- both the size of individual establishments and the height of structures would be limited.
- b. Pedestrian-oriented uses would be given priority in use of street frontage.
- c. Other uses (such as parking lots, apartments or banks) would have to locate above or behind the primary commercial frontage and/or obtain a Use Permit.
- d. Uses operating before 7 a.m. or after 10 p.m. would require a Use Permit.
- e. Uses which have the potential to generate significant adverse traffic and parking demand would require a Use Permit.

Other standards have been suggested by individuals and groups, but issues as to their feasibility, usefulness and legal status remain. These are reviewed below.

1. Control the number and extent of individual uses

This concept seeks to maintain an appropriate mix of uses. It could be implemented a number of ways such as a specific percentage of space or locations for specific uses or a fixed number of establishments of specific types. The most appropriate mix for each commercial area is difficult to determine. Each center is unique; populations served are different. The economic strength of each area is different; marketing methods are constantly changing, as are consumer needs. While the objective of this concept is consistent with the purposes of the ordinance, this approach presents a variety of land use, administrative and legal problems.

2. Give priority to retail uses over services, restaurants and entertainment uses

The intent is to make space available for shopping needs and to promote a pedestrian orientation. This can be accomplished by limiting the total extent of street frontage that can be occupied collectively by services, restaurants and entertainment uses. The majority of street frontage is reserved for retail uses. Broad categories allow for flexibility in the uses that can occur while encouraging retail shopping uses.

3. Restrict uses that serve a "regional" market

A business cannot legally be prohibited just because its clientele come from a wide area. For example, a beauty shop whose patrons all live 5 miles away could not be prohibited unless all comparable beauty shops are also barred. A use can be prohibited because it does not serve the needs of neighborhood residents (such as a business service) but all such establishments must then be prohibited.

4. Prevent adverse affects on existing businesses

The concerns are the introduction of competitive businesses or businesses which will contribute to higher rent levels in the area. The Zoning Ordinance cannot be used to prevent competition or control rents. A very restrictive list of permitted uses adopted to promote the availability of convenience goods might indirectly inhibit rent increases by limiting an owner's choice of tenants. As pointed out in the marketing discussion, however, this strategy could contribute to an economic decline rather than the encouragement of needed businesses.

Conclusion

The economic, land use, legal and administrative implications of any potential zoning control must be examined for their effectiveness in promoting the purposes of the district. Beyond the original standards listed, reasonable means are available to give priority to retail uses. One method is to limit the total street frontage taken up by services, restaurants and entertainment. This does not unduly restrain owners who still can rent to a variety of potential tenants, but does preserve the bulk of the prime pedestrian-oriented spaces for retail use.

5. Appropriate Uses

To meet the purposes of the zoning districts, there are alternative approaches to establishing permitted uses. These are analyzed below.

Reliance on Discretionary Review

The discretionary review approach relies on a case-by-case determination as to whether a use is consistent with the purposes of the district or other guidelines. This determination could be made by a city official, the Board of Adjustments or a combination. One example of this approach is the current Limited Commercial District which allows "retail, office and service uses designed

primarily to serve the everyday needs of adjacent residential neighborhoods." While some identified uses (such as restaurants) and all uses operating before 7 a.m. or after 10 p.m. must obtain a Use Permit, most determinations are made administratively. Another version is the current "Elmwood Resolution" which requires a public hearing before the Board of Adjustments for any new use in the Elmwood area. The C-1-E proposal relies upon this approach and combines administrative with public review procedures. The advantage of this approach is the flexibility it offers for changing uses, community preferences and terminology. The major disadvantage is the difficulty in obtaining consistency in the application of criteria such as "serves the everyday needs of adjacent residential neighborhoods." This approach can also produce high administrative costs for evaluation, notification and public hearings.

Reliance on a Restrictive List of Uses

With **only a few uses** permitted, space can be retained for convenience goods and services. For example, a very restricted list might include only grocery stores, drugstores, hardware stores, beauty and barber shops, apparel stores and variety stores. The advantage to this approach is that it could keep out auto-oriented uses, many uses serving regional markets, uses which potentially could be detrimental to adjacent residential areas and uses which could interfere with an integrated pedestrian orientation. Interpretation of the ordinance would be simplified for applicants and staff. One disadvantage is that many existing uses would become non-conforming. Another is that districts might deteriorate economically. Retail stores reinforce each other in a pedestrian-oriented environment, such as shopping centers. To severely limit the stores that are allowed could lead to an uninteresting and potentially unpatronized area. This kind of economic decline would not serve the purpose of promoting the provision of needed goods and services.

Reliance on a Broader But Explicit List of Uses

This approach would allow a reasonably wide variety of uses.

The district could limit the size of establishments and require that some uses to locate above or behind the street frontages, reserving these priority locations for pedestrian-oriented retail uses.

Potentially detrimental uses would be required to obtain a Use Permit. Procedures for approval of convenience retail stores and service businesses would be simple to encourage the location of such establishments in these districts. Auto-oriented uses and/or parking lots would only be permitted where they would not interfere with the pedestrian-oriented goods and services. The advantage to this approach is that it facilitates approval procedures for businesses that directly serve the neighborhood but does not prevent other compatible uses from locating in the area. By explicitly defining what uses and conditions apply, potential businesses can judge if their proposal is allowable. The disadvantages are that a level of control is removed. Convenience uses may be replaced by specialty uses. Such changes are reflective of marketing practices, however, and unlikely to be significantly affected by Zoning Ordinance changes. As noted in the prior section, severely restricting the types of businesses allowed may precipitate economic decline rather than promote the provision of needed goods and services.

Conclusions

From analysis of these alternatives the following conclusions emerge:

- (a) Use of discretionary review (by administrative staff or the Board of Adjustments) needs workable criteria to avoid becoming arbitrary, inconsistent or ineffective. It may also create uncertainty for potential businesses.
- (b) A very restrictive list of uses permitted would not insure that convenience goods and services are provided and could possibly

work in just the opposite direction by creating economic stagnation.

- (c) To the extent possible, regulations should be explicitly defined. Where discretionary review is appropriate, criteria based on the special character of the district are needed.

6. Potential Locations for Restricted Neighborhood Commercial Zoning

Outside the Central Business District, almost all commercially-zoned land is C-1, Limited Commercial. The purposes of this district are "(1) to provide space for commercial activities to serve the everyday needs of adjacent neighborhoods, and to protect and enhance existing neighborhood and community shopping areas; (2) to assure proper location and adequate controls of other uses permitted by this chapter not designed to serve adjacent residential neighborhoods." It permits "retail, office and service uses designed primarily to serve the everyday needs of adjacent residential neighborhoods" and uses compatible with them. With a Use Permit, uses allowed in the R-4 residential district, parking lots and structures and potentially detrimental uses (such as restaurants, service stations and testing laboratories), are allowed. Buildings may be up to 75 feet in height and have a maximum floor area ratio* of 3.0.

While its purposes are similar, the Restricted Neighborhood Commercial District will promote a pedestrian scale, limit the size of structures and restrict the uses allowed, especially on ground floor street frontages.

The Master Plan has identified 7 community shopping areas and 7 neighborhood shopping areas. In addition, there are 4 small pockets of commercial development. Restricted commercial zoning is most appropriate where:

1. The intensity of commercial activity is producing traffic and parking problems for adjacent residential neighborhoods.

*Floor area ratio is obtained by dividing the floor area by the lot area.

2. The extent and character of existing commercial development will benefit from a compact pedestrian-oriented district.
3. Residents and merchants in the area favor additional limitations on commercial development.
4. Opportunities are already limited for the location of retail stores and services serving adjacent residential neighborhoods.
5. The residential area served is unusually large.

The Restricted Commercial District may not be appropriate where:

1. Current development is spread out and auto-oriented.
2. Economic decline is occurring.
3. Wide major arterials already inhibit pedestrian activity.
4. Adequate commercial space exists for a wide range of activities.
5. Residents and/or merchants do not want development restricted.
6. Surrounding development is compatible with more intense commercial development.

Using these criteria the most suitable locations for enactment of the Restricted Neighborhood Commercial District are:

1. The small commercially zoned areas at Prince/Claremont, Grove/Dwight, Grove/Rose and Del Norte.
2. The Elmwood community shopping area.
3. Neighborhood shopping areas at Alcatraz/College, Domingo/Ashby, Euclid, Monterey/Hopkins and Westbrae.

The district does not appear suitable for:

1. The community shopping areas at Sather Gate, Adeline/Alcatraz, San Pablo/University, Sacramento/University.
2. The neighborhood shopping areas at Sacramento/Ashby, Sacramento/Dwight.

3. Arterial strips such as Telegraph, Shattuck, University and San Pablo.

Its suitability for all or part of North Shattuck and Solano needs further study.

EXISTING LIMITED COMMERCIAL AREAS

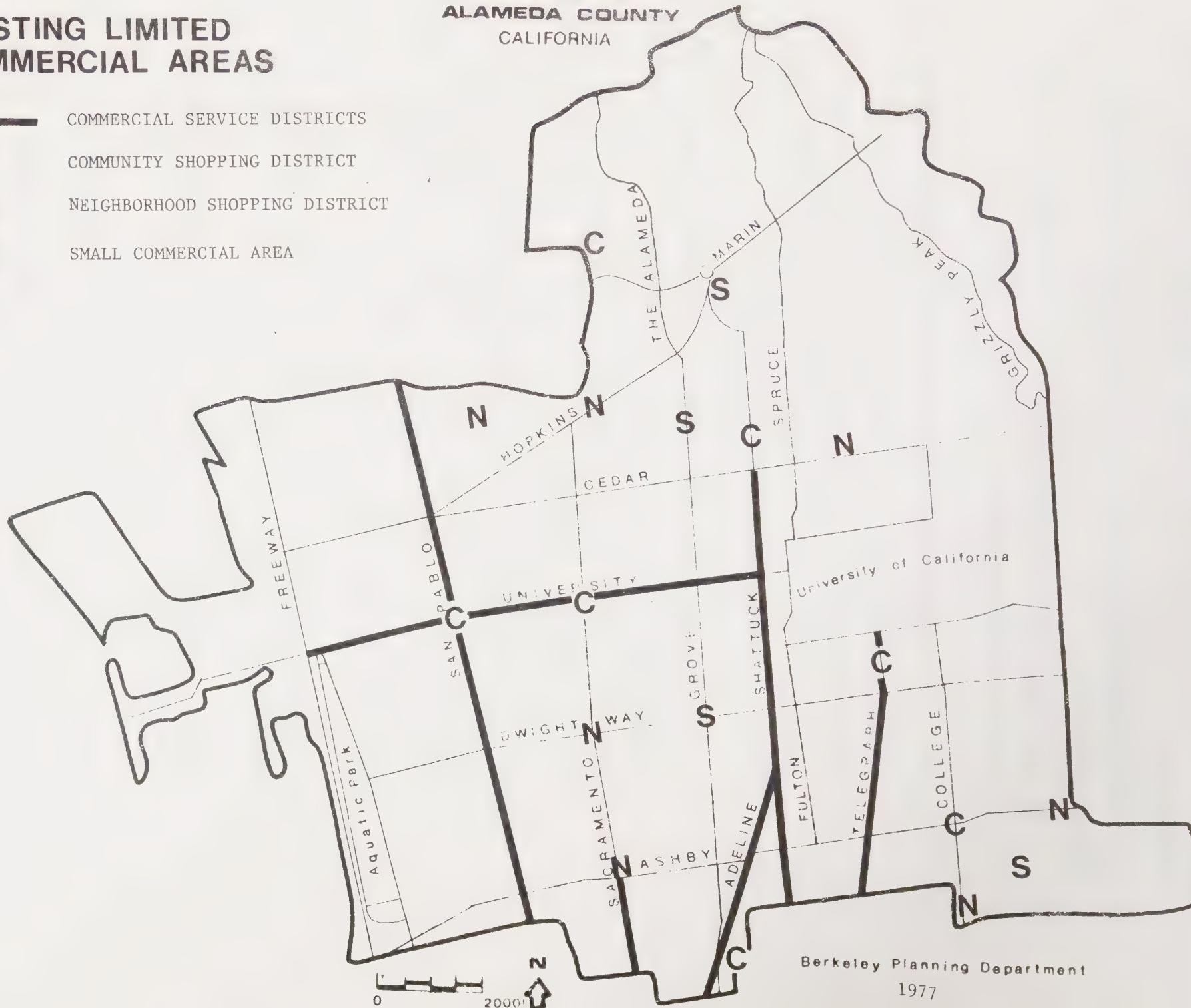
BERKELEY ALAMEDA COUNTY CALIFORNIA

— COMMERCIAL SERVICE DISTRICTS

C COMMUNITY SHOPPING DISTRICT

N NEIGHBORHOOD SHOPPING DISTRICT

S SMALL COMMERCIAL AREA



III. PROPOSED ORDINANCE

Principles

The following principles were used in developing the attached proposed ordinance provisions:

1. Regulations should implement adopted Master Plan policies on neighborhood commercial centers.
2. The regulations shall be sufficiently explicit to enable residents, owners, businesses and developers to predict whether a proposal will be acceptable. For this reason, specific lists of permitted and conditionally permitted uses have been used to the extent possible. Uses not listed are presumed to be prohibited.
3. To promote the purposes of the district, neighborhood-serving uses (particularly retail uses) should have priority in street front locations. A broader range of uses could occupy spaces above or behind these prime locations.
4. The regulations should treat all individuals, groups and interests in a fair and equitable way. Where discretionary review is employed, criteria implementing the purposes of the district will facilitate fair and consistent decision-making.
5. Regulations should be applicable to various locations throughout the community.
6. Regulations should make the establishment of appropriate neighborhood-serving uses as easy as possible.
7. Regulations should be consistent with legal zoning precedents.

Based on these principles and the analyses of issues, the attached outline of provisions was developed. The major features of the proposal are:

1. Identified small-scale, neighborhood-serving uses are permitted without discretionary review.
2. A wider variety of uses, including residential, are permitted above or behind pedestrian-oriented locations.
3. All off-street parking and loading is subject to review.
4. Services, restaurants and entertainment and recreation are limited to not more than 40% of the aggregate street frontage.
5. Use Permits are subject to specific criteria.

OUTLINE OF PROPOSED PROVISIONS

I. PURPOSES

- A. To provide space for commercial activities serving the residents of surrounding neighborhoods;
- B. To promote the development of compact, pedestrian-oriented commercial areas offering a variety of goods and services.
- C. To insure compatibility between such commercial areas and adjacent residential areas;
- D. To minimize traffic and parking problems for adjacent residential areas.

II. USES PERMITTED

A. Without a Use Permit

1. On ground floor street frontage

Retail Activities: Hardware and Home Repair Supplies
Art Supplies
Variety Goods
Drugs and Personal Care Items
Groceries and Specialty Foods
Candy and Confections
Bakeries
Clothing and Accessories
Shoes
Books and Stationery *
Flowers and Plants
Housewares and Gifts
Magazines*, Newspapers,* Cigars and Cigarettes
Musical Instruments, Records and Accessories
Radio, Television, Record Playing and Tape
Recording Equipment
Sporting Goods and Bicycles
Optical Goods
Cameria and Photographic Supplies

Services:

Real Estate
Self-Service Laundries
Laundry and Dry Cleaning Agents
Beauty and Barber Shops
Repair of Personal or Household Goods When
Carried on Conjunction With a Retail Business
Travel Agency
Custom Tailoring

2. Above or Behind Street Frontage

*If open to all persons including minors.

Retail Activities: All Activities Permitted on Street Frontage
Office Equipment
Art Galleries

Services: All Services Permitted on Street Frontage
Finance and Insurance Services
Professional Services -- Medical, Legal,
Architectural, Accounting, etc.

B. With a Use Permit

1. On the ground floor street frontage

Retail Activities: Antique Shops
Home Furnishings and Appliances
Restaurants
Liquor Stores
Pet Stores
Other Retail Uses Consistent with the
Purposes of the District

Services: Banks and Savings and Loan Assns.
Other Financial Services -- Small Loan,
Brokerage, etc.
Insurance Agencies
Repair Services
Government Services
Churches and Welfare Services
Theaters
Other Services Consistent with the Purposes
of the District

Loading or Off-
Street/Parking: Separate or as Part of Integrated Development

2. Above or Behind Street Frontage

Residential: Subject to R-4 Requirements

Off-Street
Parking or
Loading: Separate or as Part of Integrated Development

Retail Activities: Those Permitted on Street Frontage With a Use
Permit.
Other Uses Compatible With the Purposes of the District.

Services: School and Other Educational Services
Services Permitted on Street Frontage With
a Use Permit
Other Services Compatible With the Purposes of
the District

III. Use and Development Conditions

- A. Buildings will be no more than 28 feet or 2 stories, whichever is less.
- B. C-1 yard requirements apply.

- C. C-1 requirements for new construction abutting a residential district apply.
- D. Any use operating before 7 a.m. or after 10 p.m. must obtain a Use Permit
- E. All activities and storage must be carried on within a building unless a Use Permit is obtained.
- F. All establishments containing more than 4,000 square feet must obtain a Use Permit.
- G. Services and restaurants will not collectively occupy more than 40% of the ground floor street frontage.

IV. Criteria for Granting Use Permit

- A. Use will not interfere with the pedestrian-oriented character of the commercial area.
- B. Use will not produce significant increases in parking or traffic congestion in the commercial area or the adjacent residential areas.
- C. Use will be compatible with the purposes of the district.
- D. (Section 20.2) - Use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

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